

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Colleges – SUITS – Implementation of Judgment of A.P. High Court dated 29-11-2005 in S.A.No.227/2001 and Judgment of Supreme Court of India dated 11-5-2007 in Civil Appeal No.2538 of 2007 in Civil Appeal No.2538 of 2007 (arising out of SLP (C) No.6898 of 2006) – Payment of salary to Kum Nalam Bharathi, Lecturer in Physics, S.K.R. College for Women, Rajahmundry for the period with effect from 1-4-2006 to 30-4-2007 – Sanction – Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 607

Dated: 20-08-2010.

Read the following:-

1. From the HC,AP, Hyd., Judgment dt.29.11.2005 in Second Appeal No.227 of 2001.
2. Memo.No.52/Exams/2006 SED, dt.16.2.2005.
3. From the H.C., of AP, Hyd., Notice dt.21.3.2006 in C.C. No. 290/2006.
4. Govt.Memo.No.3349/CE.II-1/2006-2, dated 31-3-2006.
5. Judgment dated 11-5-2007 in SLP (C) No.6898 of 2006 of Supreme Court of India, New Delhi.
6. From the C.C.E., A.P., Hyderabad, Lr.No.573/Admn.III-2/07, dt.24-8-09 & 30-3-2010.

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ORDER:-

Kum Nalam Bharathi was appointed as Lecturer in Physics in the year 1983 in S.K.R. College for Women, Rajahmundry and her date of birth is 10-3-1948 as per the SSLC records. According to date of birth she had to retire from service on 31-3-2006 on attaining the age of superannuation. But she approached the Hon'ble High Court by filing S.A.No.227/2001 against the decree in O.S.No.46/1991 of 1st Additional District Munsif, Rajahmundry. The Hon'ble High Court in S.A.No.227 of 2001 dated 29-11-2005 while setting aside the judgment and decree of the court of District Judge, Rajahmundry, East Godavari District in A.S.No.73 of 1999 has directed the respondents:

" To make necessary corrections as to the date of birth in the connected records including the SSLC register of the appellant-plaintiff as per the decree of the trial court"

The petitioner filed CC.No.290 of 1996 for not implementing the orders dated 29-11-2005 in S.A.No.277/2001.

2. The Government careful examination of the matter in the reference 4th read above, permission was accorded to the Director of Collegiate Education/Management to continue Kum Nalam Bharathi, Lecturer in Physics & Electronics, in service beyond 31-3-2006 subject to out come of SLP., filed in the Supreme Court of India.

3. The Supreme Court of India in their judgment dated 11-5-2007 in Civil Appeal No.2538 of 2007 (arising out of SLP © No.6898 of 2006, while disposing the above held that –

"Be that as it may, the respondent gave her date of birth as on **10.3.1948** at the time when she was appointed as Lecturer in 1983. For the first time, she had filed Original Suit in 1991. After a gap of almost eight years, she filed OS and she could not have been given any relief, as prayed for, due to laches and negligence. **However, since the respondent is no more in service with effect from 30.4.2007,** we dispose of this appeal by setting aside the order of the High Court dated

P.T.O.

29.11.2005 passed in SA No.227 of 2001. *We, however, clarify that if she worked till 30.4.2007 and she has been paid for the services rendered by her during that period, pay and allowances so paid to her shall not be recovered. However, the said period shall not be reckoned towards her retrial and other pensionary benefits."*

4. The Commissioner of Collegiate Education, A.P., Hyderabad in his letter sixth read above has reported that Kum. Nalam Bharathi has requested for payment of salary for the period of service rendered by her beyond superannuation i.e., with effect from 1-4-2006 to 30-4-2007, and requested to issue instructions for payment of salary for the period beyond superannuation.

5. In the circumstances reported by the Commissioner of Collegiate Education, A.P., Hyderabad and after careful examination Government hereby accord permission to pay salary to Kum Nalam Bharathi, Lecturer in Physics (Retired), S.K.R. College for Women, Rajahmundry, E.G. District for the period she worked beyond superannuation w.e.f. 1-4-2006 to 30-4-2007, subject to the condition that the pensionary benefits have to be paid on the original date of retirement of the individual and also the period of overstaya beyond the age of superannuation in relaxation of Rule 42 of A.P.R.P.Rules, 1980 treating the said period as re-employment and excess pay, if any, has to be recovered from the individual, as per G.O.Ms.No.175, Finance (Pen.I) Department., dated 27-6-1988.

6. The Commissioner of Collegiate Education, A.P., Hyderabad shall take necessary action accordingly.

7. This order issues with the concurrence of Finance (Expr.HE) Department, vide their U.O.No.15621/402/Expr.HE/2010, dated 1-7-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The Accountant General (A&E), A.P., Hyderabad.

The Director of School Education, A.P., Hyderabad.

Copy to:

The Secretary & Correspondent,

S.K.R. College for Women, Rajahmundry, E.G.District.

The individual "through" C.C.E., A.P., Hyderabad.

The Government Pleader for Higher Education, High Court of A.P., Hyderabad.

Finance (Expr.HE) Department.

The P.S. to Principal Secretary. (HE).

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.